

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

SHANE KELLY FULKERSON,

Movant,

v.

CIVIL ACTION NO: 2:16-05668
(Criminal No. 2:07-00204-02)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Pending before the Court are: the movant's emergency motion to vacate and correct his sentence under 28 U.S.C.

§ 2255, filed on June 23, 2016, as supplemented on August 1, 2016 and August 22, 2016, and the respondent's motion to withdraw referral to Magistrate Judge Omar J. Aboulhosn and to stay the case, filed on August 11, 2016.

This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to the court of his Proposed Findings and Recommendation ("PF&R") for disposition pursuant to 28 U.S.C. § 636(b)(1)(B).

On October 17, 2017, Magistrate Judge Aboulhosn entered his PF&R recommending that the movant's emergency motion

be denied, that the respondent's motion be denied as moot, and that the matter be removed from the court's docket.

No objections having been filed, the plaintiff waived de novo review of the matter by this court.

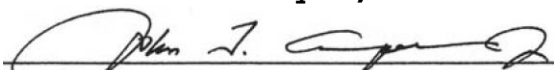
It is, accordingly, ORDERED that:

1. Magistrate Judge Aboulhosn's Proposed Findings and Recommendation be, and they hereby are, adopted and incorporated in full;
2. Fulkerson's motion under 28 U.S.C. § 2255 be, and it hereby is, denied;
3. the United States' motion to withdraw referral to the magistrate judge and to stay the case be, and it hereby is, denied as moot; and
4. the matter be dismissed and removed from the court's docket.

The Clerk is directed to forward copies of this order to the movant, all counsel of record, and United States Magistrate Judge Omar J. Aboulhosn.

DATED: February 9, 2018

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John T. Copenhaver, Jr.
United States District Judge